

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  Plaintiff,  v.  GERSON ALBERTO FLORES-RIVERA,	NO. CR21-096JCC  PROTECTIVE ORDER  Defendant.
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This matter comes before the Court on the Parties' Stipulated Motion for a Protective Order regarding discovery materials, as permitted by Fed. R. Crim. P. 16(d). Having considered the record and files herein, the Court finds there is good cause to grant the stipulated motion, and hence:

IT IS HEREBY ORDERED that the discovery materials discussed in the Motion for a Protective Order and referred to therein as "Protected Material," marked specially as "Protected Material," may be produced to counsel for the defendant in this case.

IT IS FURTHER ORDERED that possession of Protected Material is limited to the attorneys of record in this case and their staff, and to any investigators, expert witnesses, and other agents the attorneys of record retained in connection with this case. The attorneys of record, and their investigators, expert witnesses, and other agents can review Protected Material with the defendant. The defendant can inspect and review Protected Material, but

1 shall not be allowed to possess, photograph, or record Protected Material or otherwise retain  
2 Protected Material or copies thereof.

3 IT IS FURTHER ORDERED that defense counsel shall not provide Protected Material  
4 or copies thereof to any other person outside his or her law office, including the defendant or  
5 their family or associates. The defendant, who is currently residing at the FDC, will be  
6 permitted to review the Protected Material with defense counsel or other authorized member  
7 of the defense team, but will not be provided with a copy of the material. Copies of the  
8 Protected Material cannot be given to the Federal Detention Center (FDC) in SeaTac for the  
9 defendant to review on his own.

10 IT IS HEREBY FURTHER ORDERED that the defendant, defense counsel, and others  
11 to whom disclosure of the content of the Protected Material may be necessary to assist with  
12 the preparation of the defense, shall not disclose the Protected Material or its contents, other  
13 than as necessary for the preparation of defenses at trial and in subsequent appellate  
14 proceedings, if necessary. Specifically, the attorneys of record and members of the defense  
15 team acknowledge that providing copies of the Protected Material to the FDC, the defendant,  
16 and other persons is prohibited, and agree not to duplicate or provide copies of the Protected  
17 Material to the FDC, the defendant, and other persons. This order does not limit employees  
18 of the United States Attorney's Office for the Western District of Washington from disclosing  
19 the Protected Material to members of the United States Attorney's Office, federal law  
20 enforcement agencies, the Court, or witnesses in order to pursue other investigations or the  
21 prosecution in this case. Nor does it limit employees of the United States Attorney's Office  
22 for the Western District of Washington from disclosing the Protected Material to the defense  
23 as necessary to comply with the government's discovery obligations.

24 Nothing in this Protective Order prohibits defense counsel from showing the Protected  
25 Material, or reviewing its contents, with defendant or with others to whom disclosure may be  
26 necessary to assist with the preparation of the defense at trial and in subsequent appellate  
27 proceedings, if necessary.

1 IT IS FURTHER ORDERED that if counsel finds it necessary to file any documents  
2 marked as Protected Material, the material shall be filed under seal with the Court.

3 Nothing in this Order shall prevent defense counsel from seeking modification of this  
4 Protective Order or from objecting to discovery that it believes to be otherwise improper. The  
5 parties agree that in the event that compliance with this Order makes it difficult for defense  
6 counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an unworkable  
7 burden on counsel, defense counsel shall bring any concerns about the terms of the Order to  
8 the attention of the government. The parties shall then meet and confer with the intention of  
9 finding a mutually acceptable solution. In the event that the parties cannot reach such a  
10 solution, defense counsel shall have the right to bring any concerns about the scope or terms  
11 of the Order to the attention of the Court by way of a motion.

12 Nothing in this Order should be construed as imposing any discovery obligations on  
13 the government that are different from those imposed by case law and Rule 16 of the Federal  
14 Rules of Criminal Procedure. The failure to designate any materials as provided in paragraph  
15 2 shall not constitute a waiver of a party's assertion that the materials are covered by this  
16 Protective Order.

17 This Protective Order does not constitute a ruling on the question of whether any  
18 particular material is properly discoverable or admissible and does not constitute any ruling  
19 on any potential objection to the discoverability of any material.

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1 IT IS FURTHER ORDERED that at the conclusion of the case, the Protected Material  
2 shall be returned to the United States, or destroyed, or otherwise stored in a manner to ensure  
3 that it is not subsequently duplicated or disseminated in violation of this Protective Order.

4 The Clerk of the Court is directed to provide a filed copy of this Protective Order to all  
5 counsel of record.

6 DATED this 30th day of August 2021.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE

12 Presented by:

13 s/ C. Andrew Colasurdo  
14 C. ANDREW COLASURDO  
15 Assistant United States Attorney  
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